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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
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2168

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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,208	Applicant(s) FISCHER ET AL.	
	Examiner JAY A. MORRISON	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/08, 7/21/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/08 has been entered.

Remarks

2. Claims 1-26 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furlani et al. ('Furlani' hereinafter) (Patent Number 6,594,683) in view of Daugherty et al. ('Daugherty' hereinafter) ("Multi-Axial Subassemblage Testing System (Mast) Data Collection And Telepresence Systems Specification", by Daugherty et al., A Report from the National Science Foundation, George E. Brown, Jr. Network for Earthquake

Engineering Simulation (NEES), Department of Civil Engineering, Institute of Technology, University of Minnesota, July 15, 2002)

As per claim 1, Furlani teaches

A computer-implemented method for controlling access to a data object stored in a first storage location, the data object having an identifier (ID), the method comprising:
(see abstract and background)

by checking whether the ID is stored in a first lock object; checking whether the ID is associated with a second storage location; (lockobject id, column 8, lines 46-48; figure 3, item 325)

and granting access to the data object if the ID is not stored in the first lock object and the ID is not associated with a second storage location. (lock controls access multiple object locations based on single id, column 3, lines 7-20; note: 'if' denotes an optionally recited limitation and optionally recited limitations are not guaranteed to take place and are therefore not required to be taught, see MPEP § 2106 Section II(C))

Furlani does not explicitly indicate "determining whether the data object is being archived".

However, Daugherty discloses "determining whether the data object is being archived" (whether data being archived, section 4.6, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani and Daugherty because using the steps of indicate "determining whether the data object is being archived" would have given those

skilled in the art the tools to improve the invention by allowing synchronization of laboratory systems. This gives the user the advantage of being ensured that one process is finished before starting another in a laboratory data system.

As per claims 8 and 15,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1, respectively, and are similarly rejected.

6. Claims 2-7, 9-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furlani et al. ('Furlani' hereinafter) (Patent Number 6,594,683) in view of Daugherty et al. ('Daugherty' hereinafter) ("Multi-Axial Subassemblage Testing System (Mast) Data Collection And Telepresence Systems Specification", by Daugherty et al., A Report from the National Science Foundation, George E. Brown, Jr. Network for Earthquake Engineering Simulation (NEES), Department of Civil Engineering, Institute of Technology, University of Minnesota, July 15, 2002) and further in view of Larsson et al. ('Larsson' hereinafter) (Patent Number 5,548,750).

As per claim 2,

Neither Furlani nor Daugherty explicitly indicate "deleting the ID from the first lock object, if the ID is stored in the first lock object and the ID is not associated with a second storage location, after granting access to the data object".

However, Larsson discloses “deleting the ID from the first lock object, if the ID is stored in the first lock object and the ID is not associated with a second storage location, after granting access to the data object”. (column 6, lines 52-56)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “deleting the ID from the first lock object, if the ID is stored in the first lock object and the ID is not associated with a second storage location, after granting access to the data object” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claim 3,

Neither Furlani nor Daugherty explicitly indicate “the first lock object comprises a table having a first column for the ID and a second column for a link to the second storage location associated with the ID”.

However, Larsson discloses “the first lock object comprises a table having a first column for the ID and a second column for a link to the second storage location associated with the ID”. (column 2, lines 48-52)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “the first lock object comprises a table having a first column for the ID and a

Art Unit: 2168

second column for a link to the second storage location associated with the ID” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claim 4,

Neither Furlani nor Daugherty explicitly indicate “the first lock object comprises a table having a first column for the ID and a second column for a link to the second storage location associated with the ID”.

However, Larsson discloses “the first lock object comprises a table having a first column for the ID and a second column for a link to the second storage location associated with the ID”. (column 7, lines 34-39)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “the first lock object comprises a table having a first column for the ID and a second column for a link to the second storage location associated with the ID” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claim 5,

Neither Furlani nor Daugherty explicitly indicate “the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables”.

However, Larsson discloses “the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables”. (column 4, lines 48-52)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claim 6,

Neither Furlani nor Daugherty explicitly indicate “storing the ID in a second lock object before checking whether the ID is stored in the first lock object and before checking whether the ID is associated with a second storage location”.

However, Larsson discloses “storing the ID in a second lock object before checking whether the ID is stored in a first lock object and whether the ID is associated with a second storage location”. (column 6, lines 56-62)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “storing the ID in a second lock object before checking whether the ID is stored in a first lock object and whether the ID is associated with a second storage location” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claim 7,

Neither Furlani nor Daugherty explicitly indicate “checking whether the ID is stored in the second lock object before granting access to the data object; and denying access to the object if the ID is not stored in the second lock object”.

However, Larsson discloses “checking whether the ID is stored in the second lock object before granting access to the data object; and denying access to the object if the ID is not stored in the second lock object”. (column 3, lines 35-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Furlani, Daugherty and Larsson because using the steps of “checking whether the ID is stored in the second lock object before granting access to the data object; and denying access to the object if the ID is not stored in the second lock object” would have given those skilled in the art the tools to improve the invention by allowing backup functionality activated by a central handler to synchronize

Art Unit: 2168

functionality. This gives the user the advantage of being assured that data is not corrupted.

As per claims 9-14,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 2-7 and are similarly rejected.

As per claims 16-21,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 2-7 and are similarly rejected.

7. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. ('Larsson' hereinafter) (Patent Number 5,548,750) in view of Daugherty et al. ('Daugherty' hereinafter) ("Multi-Axial Subassemblage Testing System (Mast) Data Collection And Telepresence Systems Specification", by Daugherty et al., A Report from the National Science Foundation, George E. Brown, Jr. Network for Earthquake Engineering Simulation (NEES), Department of Civil Engineering, Institute of Technology, University of Minnesota, July 15, 2002).

As per claim 22, Larsson teaches

A memory for storing data for access by a process being executed by a processor, the memory comprising: (see abstract and background)

a structure (structured data, column 2, lines 38-40)

for controlling access to a data object stored in a first storage location, ('for' indicates intended use; *Minton v. Nat 'l Ass 'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003) "whereby clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited." Examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are: (A) "adapted to" or "adapted for" clauses; (B) "wherein" clauses; and (C) "whereby" clauses. Therefore intended use limitations are not required to be taught, see MPEP § 2106 Section II(C), MPEP 2111.04 [R-3])

the data object having an identifier (ID), the structure comprising: a first lock object storing the ID and a link, associated with the ID, to a second storage location where the data object is stored, wherein the storage of the ID in the first lock object; (LID-table, column 4, lines 33-35)

and a second lock object storing the ID of the data object. (objects have been backup marked in the local LID-table, figure 6 and column 6, lines 45-48)

Larsson does not explicitly indicate "indicates that the data object is being archived".

However, Daugherty discloses "indicates that the data object is being archived" (whether data being archived, section 4.6, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Larsson and Daugherty because using the steps of indicate “determining whether the data object is being archived” would have given those skilled in the art the tools to improve the invention by allowing synchronization of laboratory systems. This gives the user the advantage of being ensured that one process is finished before starting another in a laboratory data system.

As per claim 23, Larsson teaches
the first lock object comprises a table having a first column for the ID and a second column for the link. (column 7, lines 34-39)

As per claim 24, Larsson teaches
the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables. (column 4, lines 48-52)

As per claim 25, Larsson teaches
the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables. (column 4, lines 33-37)

As per claim 26, Larsson teaches

the first and second lock objects are created by a data moving or data archiving process. (column 4, lines 43-47)

Response to Arguments

8. Applicant's arguments filed 5/12/2008 have been fully considered but they are not persuasive.

9. With respect to claim 1, 8 and 15, Applicant argues that Furlani does not disclose "checking whether the ID is stored in a first lock object". Respectfully, it is noted that Furlani discloses acquiring a group lock and that the group lock contains a number of references which are controlled by the group lock (column 8, lines 35-38). In figure 5, item 517, it is noted that the group reference pointers are checked against NULL, which would mean that there are no locks. It is respectfully submitted that this is functionally equivalent to the fact there may or may not be a lock ID and therefore Furlani discloses the limitation.

Applicant's arguments with respect to the remaining arguments regarding claims 1, 8, and 15, and the claims that depend therefrom, have been considered but are moot in view of the new ground(s) of rejection.

10. With respect to claims 22-26, Applicant argues that Larsson does not disclose "a first lock object storing the ID ..., wherein the storage of the ID in the first lock object

Art Unit: 2168

indicates that the data object is being archived". Respectfully, it is noted that Larsson discloses a lock object table (LID-table, column 4, lines 33-35), which teaches a first lock object stored the ID since the table contains many instances of lock IDs. With respect to the remaining limitations, Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tim T. Vo/

Supervisory Patent Examiner, Art Unit 2168

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